# Morning Oregonian.

VOL. XIII.—NO. 2737 PORTLAND, OREGON TUESDAY, DECEMBER 23 1873. PRICE—TEN CENTS.


## EASTERN NEWS.

BY PACIFIC TELEGRAPH CONNECTION

### Return of the Fleet.

### Monument to Kosciusko.

### Plymouth Church Again.

### Loss of an American Steamer.

### Escape of Prince Harry Genet.

### A Horrible Murder.

### Strike Among Dock Laborers in Philadelphia.

## WASHINGTON CITY.

### Shall We Apologize to Spain?

### Free Fight in Matamoras

### Spain Demands Restoration of the Virginius.

### England Getting into Trouble with Spain.

### The Bankrupt Law in the Senate.

### Talk of Retrenchment

### Postmaster Appointed.

## MEXICO.

## BY ATLANTIC CABLE.

### Kaiser Wilhelm Attacked by Apoplexy

### The Ashantee War

### Siege of Cartagena

## CANADA.

### Hanged for Murder

## WEST INDIES

### Robbery and Murder of an American Merchant.

## PACIFIC COAST NEWS.

BY TELEGRAPH TO THE OREGONIAN

## CALIFORNIA.

### From San Francisco

### Greenbacks 90@91

## NEVADA.

## UTAH

## CONGRESSIONAL PROCEEDINGS

## OREGON

## THE TERRITORIES

## SUPREME COURT

December Term 1873


A. P. HOTALING & CO.,

Old BOURBON WHISKY,

FINE WINES AND LIQUORS,

41 Jackson St. San Francisco

And 25 Front Street, Portland, Oregon.

BOOTS AND SHOES.

BOOTS AND SHOES

Opposition Boot & Shoe Store,

UNDER ORO FINO THEATRE

No 65 First Street, Portland, Oregon.

C. A. & C. M. HIBBARD'S.

CELEBRATED HAND MADE

BOOTS & SHOES,

GEO. L. HIBBARD,

Commission Merchant.

SOLE AGENT

S. E. Cor. 4th and First Streets.

MECHANICS'

BOOT AND SHOE STORE.

FREIMAN & HUPPRICH,

113 First Street.

INVITE THE PUBLIC TO CALL AND SEE their New Stock.

Prices to Suit All.

NEW YORK PRICES!

Watch Repairing,

AT NEW YORK PRICES!

At 10 First Street

Silver American Watches,

4 ½ ounce cases

AT NEW YORK PRICES!

At 10 First Street

Jewelry,

AT NEW YORK PRICES!

At 10 First Street

Clocks, Spring or Weight,

AT NEW YORK PRICES!

W. FRIEDLANDER,

107 First Street, next door to Odd Fellows' Building.

MONEY SAVED!

PRICES REDUCED FOR THIRTY DAYS

LIGHT RUNNING

HOME

SEWING MACHINE—A NEW INVENTION

WILL AND AFTER MONDAY SEPT 15 1873 and until further notice run a FREIGHT AND PASSENGER TRAIN from

PORTLAND TO ST. JOSEPH

Favorite Home Shuttle

With late Improvements

Old Price $45. Reduced to $40.

WILL BE GIVEN AWAY!

A Beautiful $15 Chromo!

SIZE 22x28 INCHES

Elegantly Framed in Fine Black Walnut Moulding with Ornaments,

TO EACH AND EVERY PERSON

PURCHASING A

ROVER & BAKER SEWING MACHINE!

THE MACHINES MANUFACTURED BY THE Grover & Baker Sewing are without exception the most accurate perfect and durable Machines ever introduced. Besides these in no other Company that manufactures Machines which make BOTH the Elastic Stitch and Shuttle Stitch

Every Machine fully warranted and sent out on trial if desired

Call at once and examine the Excellent Machines and see the

BEAUTIFUL $15 CHROMO PREMIUM!

TO BE GIVEN AWAY

W. T. SHANAHAN, Agent.

SELLING OUT AT COST PRICE!

WITHIN THIRTY DAYS!

AT

EMIL LOWENSTEIN & CO.'S.

ALL YE WHO WANT REST,

BUY

THE UNIVERSAL SPRING BED

BEST IN THE STATE!

Price only Ten Dollars!

HOLIDAY GOODS!

Elegant Gift Books,

AT J. K. GILL & CO'S

Family Bibles,

AT J. K. GILL & CO'S

Musical Albums,

AT J. K. GILL & CO'S

Photograph Albums,

AT J. K. GILL & CO'S

Opera Glasses,

AT J. K. GILL & CO'S

Rosewood Writing Desks,

AT J. K. GILL & CO'S

Russia Leather Desks,

AT J. K. GILL & CO'S

Gold Pens and Pencils,

AT J. K. GILL & CO'S

Fine Purses,

AT J. K. GILL & CO'S

Pearl, Shell & Ivory Card Cases,

AT J. K. GILL & CO'S

Parlor Games,

AT J. K. GILL & CO'S

Elegant Goods and Low Prices.

AT J. K. GILL & CO.'S,

75 First Street.


## RAILROADS.

### Oregon & California R. R. Co.

NO. 22. TIME SCHEDULE NO 23.

To Take Effect Sunday, Dec. 7th 1873, at 5 A. M.

DAILY TRAINS WILL RUN BETWEEN

PORTLAND AND ROSEBURG

As follows

| LEAVE. | | ARRIVE. | |
|---|---|---|---|
| Port and | 7.30 A. M | Roseburg | 7.10 P. M. |
| Roseburg | 7.15 A. M | Portland | 4.15 P. M. |

SALEM EXPRESS TRAIN.

| LEAVE. | | ARRIVE. | |
|---|---|---|---|
| Portland | 3.30 P. M | Salem | 7.05 P. M. |
| Salem | 7.45 A. M | Portland | 10.05 A. M. |

Freight Trains (with Passenger Cars attached) will run between

PORTLAND AND JUNCTION

(DAILY) EXCEPT SUNDAYS)

As follows

| LEAVE. | | ARRIVE. | |
|---|---|---|---|
| Portland | 6.15 A. M | Junction | 6.00 P. M. |
| Junction | 7.45 A. M | Portland | 5.15 P. M. |

The Oregon and California Railroad Ferry make connection with all Regular Trains

Close connections are made at ROSEBURG with the Stages of the Oregon and California Stage Company

Tickets for sale to all the principal points in California and the East at Company's Office.

Cor. F and Front Sts., at Ferry Landing,

PORTLAND

NOTICE—Passengers for Butteville Champoeg Dayton and Lafayette will take the Boats for the above points at Canemah

Storage will be charged on freight remaining in Warehouse over 24 hours.

Freight will not be received for shipment after 6 o'clock P. M

J. BRANDT, Jr. Gen'l Supt.

E. P. ROGERS

Gen'l Freight and Passenger Agent.

### The Oregon Central R. R. Co.,

WILL ON AND AFTER MONDAY SEPT 15 1873 and until further notice run a FREIGHT AND PASSENGER TRAIN from

PORTLAND TO ST. JOSEPH

Connecting at Cornelius with Stages for Forest Grove at St Joseph for all points South and West—Lafayette McMinnville Amity Monmouth, Independence Buena Vista and Corvallis.

| LEAVE | | ARRIVE | |
|---|---|---|---|
| Portland | 7.30 A. M | St. Joseph | 11.44 A. M |
| St. Joseph | 12.25 P. M | Portland | 4.35 P. M |

Passengers received at Fourth street sliding on giving signal to the train but are prohibited from getting on or off the train at any other point on the street.

Passengers getting on the train at Ticket Stations without tickets will be charged twenty five cents extra.

Sunday Excursion Tickets withdrawn until May 1874

Freight received at the Portland Warehouse and Dock Company's Wharf and will not be received for shipment after 4 P. M

H. THIELSEN General Sup't.

Dec 13 1873

### The Chicago, Rock Island and

PACIFIC RAILROAD.

The Great Central Iowa Short Line

OVERLAND ROUTE.

With its connections East and West

Is the Shortest, Quickest and Best Route between the

Pacific and Atlantic,

VIA

Des Moines, Rock Island and Chicago.

THE ONLY ROUTE CARRYING THE THROUGH OVERLAND LETTER MAIL making close and reliable connections at OMAHA with trains arriving from the West by

The Central and Union Pacific Railroads,

AND AT CHICAGO

With its EASTERN TRAINS East, North and South

The most elegantly furnished Parlor Sleeping Cars ever used are run through from Omaha and Chicago

THROUGH TICKETS to all points East can be obtained at the Ore. & Cal. R. R. and Steamship Co's office in San Francisco and at the Company's offices in Portland Oregon And at all Ticket offices in the United States and Canada.

Be sure your Tickets read via Rock Island

A. M. SMITH,

General Passenger Agent Chicago

HIGH HOLBROOK Gen'l Agt. Chicago

WM. STITT Trav. Pass. Agt. San Francisco


WM. PFUNDER

APOTHECARY & CHEMIST.

DEUTSCHE APOTHEKE

CORNER FIRST & OAK STREET PORTLAND

DRUGS, PERFUMERY, Etc., Etc.

PRESCRIPTIONS A SPECIALTY

WM PFUNDER Pharmaceutist,

Late of C. H. Woodard & Co

Boiler and Engine for Sale.

THE HIGHLY FINISHED SIX HORSE POWER horizontal ENGINE with Boiler Force Pump and Shafting formerly used in the Herald office is offered for sale at a bargain for cash Enquire at the Office



NEWSPAPERARCHIVE®

# The Daily Oregonian.

TUESDAY MORNING DECEMBER 18 1873


THE [illegible] AND WILLIAMS

[illegible] would express [illegible] Williams [illegible] [illegible] [illegible]

O COMMISSION

CHARDSON,

ONEER

T AND OAK STS.

n Sales

NTERIS CY AT MER.
AND IO St

nday and Saturday,

rate Sale.

ROCERIES and LIQUORS,
ade on Long Credit
osekeeping Furniture
and Hay, Furniture
CHARDSON Auctioneer

Peremptory Sale

OF

GROCERIES,

CHANDISE, ETC.

ctioneer Salesroom on

DEC 24, 1873
ock A M
ESTATE.

of Lot No [illegible] ck in
e City of Portland [illegible] eet
n depth
able Cottage [illegible] ms

LSO

IKE

LSO

and SAUCEPANS

LID

LSO

ININGROOM and KITCHEN
NITURE.

ARDSON, Auctioneer.

reremptory Sale

OF

CHROMOS,

NGRAVINGS, MUSIC

WALNUT FRAMES.

ises formerly occupied by
e corner of First and Stark

DEC. 23, 1873,
Clock A M

VICTOR VOLNEY Esq

E ENGRAVINGS
DS
MES

LSO

apanese FANCY GOODS

ection of Pictures &c will
AY, Dec 22d.

on of the public is called to
Chromos, Engravings &c

ICHARDSON, Auct'r.

RANCE.

OME

RANCE COMPANY
FRANCISCO.

Line Insurance.

....$1,000,000.

[illegible] President.
[illegible] Vice President.
[illegible] Secretary
[illegible] Marine Secretary
[illegible] General Manager

CTORS:

Branch,
rman, C H Lewis R Goddard
[illegible] Lloyd Brooke
[illegible] L F Grover.
[illegible] A Crawford
[illegible] D M French
[illegible] J Lowenberg
AMILTON BOYD,
n and Washington Territory

O GOOD ADVICE!

N GRATIS

ENS BULLA EXPELLED
Shall Make Money

I
ther place on the Pacific Slope
and Yankee notions
If
e to thyself any other man
ot how to them do
HAMBURGER
ewing his custom to the
ation.
III.
in vain for cheap goods for
ash at B. HAMBURGER'S
IV
mind that upon sales of
make all the purchases of
n the seventh day
ors.
V
HAMBURGER pays
days to [illegible]
highest market price
ce
VI
it an outrage on the public
s but go direct to B HAM
and salmon traders will
nt Cheap for Cash
VII
teromly wed sure [illegible]
ays buy of B HAMBURGER
VIII
al goods from [illegible]
t it would be a sin [illegible]
best marked [illegible]
IX.
ighest wages [illegible]
t better suited and better
oods at B HAMBURGER'S
Portland,
X
ished in our city
B. HAMBURGER
or First and Summer

TOOLE & CO.

, between Ash and Pine
and Dealers in
DEPMAN AND [illegible]

ow Glass,

l Metal and Plate glass
—ALSO—
ils, Paints, Glass Brushes
le &c
k of [illegible] have [illegible]
st San Francisco [illegible]
ction.
Done at short notice

FISH OIL,

TINS,
WILLIAMS & MAYO
No 5, Central Dock



# The Daily Oregonian.

TUESDAY MORNING, DECEMBER 23 1873


## CITY.

STEAMER [illegible] yesterday morning the ferry steamboat *Portland* No 1 which is lying at the east side of the river was observed to be very low down in the water Mr Foster immediately went on board to ascertain the cause, as the boat had evidently sprung a leak He discovered no surprise that there was nearly three feet of water in the hold Pumps were immediately set in operation to remove the water It took a long time to pump out the water as it appeared to come in as rapidly as it was taken out There can be but little doubt but what some person during Sunday night went on board the ferry and bored several auger holes through the hull to scuttle her Had not Mr Foster timely discovered the [illegible] in the boat's bottom she would have been sunk or urged Late on Sunday evening Mr Foster was on board and on examining the hull found only a few inches of water in the hold Only a few weeks ago the boat was launched in the waters having undergone a complete overhauling The hull is good as new and there is little likelihood of the boat springing a leak Such an act of rascality is tempting to sink the boat ought to meet with the most severe punishment if the culprit is detected

WATER FRONT ITEMS—The bark *Nicaragua* now loading wheat at Flanders wharf and the steamer [illegible] now receiving her freight up by the [illegible] *Pilot* was towed up from Astoria by the tug *Ben Holladay* The tug *Stewart* and the pilot then brought the *Nicaragua* through the bar and left her and were coming on up in the *Ben Holladay* when they discovered the *Nicaragua* coming up in tow of the *Ben Holladay* The vessel drawing 11 feet

WANT OF JURISDICTION—Young Eddie who was arrested on last Friday in Washington county, on a charge of complicity in the murder of Dow Robbins last spring, will be sent to Oregon City for examination It appears that the murder was committed in Clackamas that there was some informalities in the manner of the arrest and that the Police Court has no competent jurisdiction in the premises Eddie will be sent to Oregon City to day

HONORABLE ACQUITTED—The jury empannelled to try the case of the United States vs M Hosford in the U S District Court yesterday after a few minutes deliberation returned a verdict of not guilty The testimony showed clearly that the opening of the letter addressed to another with which he was charged was done under a mistake and without any criminal intent whatever

CELEBRATION—On New Years evening our colored citizens will celebrate the eleventh anniversary of the Emancipation of four millions of Bondsmen in the United States at City Rifles Hall The programme consists of Declaration of Sentiment music—vocal and instrumental, and social promenade A supper will be served and a good time generally is promised all attending

WEATHER REPORT—From the records of the U S Signal Station on Portland, Oregon, December 22 1873:

| | 7 A M | 2 P M | 9 P M |
|---|---|---|---|
| Thermometer | 40° | 46° | 38° |
| Wind, direction | S | S | NW |
| " velocity miles pr hour | 6 | 12 | 2 |
| Weather | Cloudy | Cloudy | Cloudy |
| Rainfall | -- | -- | 0 10 inches |

REPORTED MURDER—Last night a report was current on the streets that a man named Connolly had murdered a Chinaman somewhere on the Canyon road by striking him over the head with an iron bar After a diligent search we were unable to obtain any satisfactory information, and consequently publish the rumor for what it is worth

CITY MARKET—The City Market erected the present season by Mr D D Bunnell is finished, and will be formally thrown open to the public to morrow evening Portland Band will be in attendance and discourse music on the occasion At 7 o'clock the doors of the new market will be thrown open

INDEPENDENT GERMAN SCHOOL—At a regular meeting held yesterday the following officers were elected to serve the ensuing year [illegible] Von Wintzingerode President Henry Wenhardt, Vice President Henry Bohlmann Secretary Otto Treuer Treasurer Frank De Kum and Niemeyer Trustees

GEOLOGY—Rev T Condon will deliver this evening, the third lecture of the course Subject—"Life—Inquiries into it origin and changes" Masonic Hall is the place selected and no doubt a large number will be present to hear this popular lecturer

## BALLS AND PARTIES.

The second soiree dansante will be given this evening at the Progress Club Rooms The affair is of a private character no other only being admitted

On the 31st inst the City Rifles will hold a "hop bon" party at their Armory This is to be a novelty in its way and will be sure to afford much amusement to those participating

On New Years Eve a ball will be given at Masonic Hall for the benefit of the Independent German School As the [illegible] excellent hands, no doubt the evening will be spent in an agreeable manner

The masquerade ball to be given by the Independent Order of Jolly Good Fellows at Armory Hall promises to be an interesting event. Already many are preparing dresses for the occasion and we expect to see a great variety of costumes at the ball

To-morrow evening the grand promenade concert and ball of Willamette Engine Co No 1 will take place at Askeny's Hall To day a number of persons will place Christmas trees at different parts of the large hall and otherwise decorate the room A full band is engaged, and in all respects the affair promises to be a grand one

## AMUSEMENTS

The Academy of Music was very large and all present seemed to fully appreciate the [illegible] The [illegible] suspension was performed with better effect, as were several other tricks and illusions The Hindoo basket trick was the feature of the evening performances [illegible] [illegible] Signature [illegible] that has been said of Bosco something more than is justified here The entertainment last evening conclusively proves that on his early departure for California and the Orient Bosco will be thronged every night

CHRISTMAS PRESENTS

A great variety of luxurious and curious easy chairs for ladies and gentlemen at Hurgren & Shindler's Also a variety of miniature bureaus, bed-steads chairs tables &c Call and see for yourself Remember at Hurgren & Shindler's

## A SHOCKING TRAGEDY

[illegible] MONTHS OLD, AND THEN BURNED TO CRISP

Yesterday afternoon about [illegible] Mrs Farley came rushing breathlessly into the office of Chief Lappeus in a state of terrible excitement and stated that the [illegible] named Mary Farley in a house near Lownsdale street by her self had killed her child and thrown it in the fire He looked between the bars and saw that the child was burned to a crisp All possible expedition on the part of the station intelligence [illegible] Mrs Farley was arrested to assert in the [illegible]

He will be tried in the [illegible] Mrs Farley, without any kind of movement so he [illegible] Fourth street followed by a large [illegible] Arriving at Taylor he [illegible] He did the driver return [illegible] Jim to the head of Fourth street as rapidly as the [illegible] He drove Officer Lappeus and Ballou [illegible] the wagon the horses had been turned in the [illegible] and Mrs Farley [illegible] the [illegible] to the other end [illegible] A small crowd was observed standing, but was [illegible] except Mary Morgan [illegible] at the extreme head of [illegible] Smoke was observed issuing in volumes from the door and Assistant Marshal Ballou [illegible] for many seconds around [illegible] and the [illegible] were collected in the vicinity and were [illegible] in search of the [illegible] Suited on the door step [illegible] Charles Hurl [illegible] husband of the insane woman who was stated had perpetrated the horrible and unprecedented [illegible] Tapeworm [illegible] asked Farley what had occurred to child [illegible] made to direct reply [illegible] his wife was in the house [illegible] pounded "Open up stairs" Several persons then [illegible] the Chief about to [illegible] in search of the [illegible] Mrs Farley had previously threatened to kill any person who should dare to approach her Lappeus however disregarding these admonitions steadily ascended the stairway When he reached the top he found the apartment filled with smoke Through the stifling and half burning smoke he discovered the form of the woman She was seated in a chair [illegible] crushing down as if from fear with an old blanket drawn about her shoulders Mr Lappeus not knowing what weapon she might have in her possession cautiously approached the woman When within a few yards he sprang forward and clasped the lunatic in his powerful arms Realizing that she was captured the crazy creature set up the most deafening shrieks and began to struggle desperately But Lappeus held her in his vice like clasp, and managed after much difficulty, to carry her bodily down the narrow stairway In the struggle the blanket was thrown off and it was discovered that Mrs Farley was in a state of almost total nudity Officer Barlow now came to the rescue and after a prolonged struggle the woman was placed in the wagon the blankets drawn tightly about her covering form and she held by main force in the seat Mr W H Butts appears enter the building a few minutes before the officers did A quantity of old clothes bedding &c was discovered burning in several rooms Mr Butts began to stamp the burning clothes and soon succeeded in extinguishing the fire When he first entered the house, having been attracted there by the smoke which came out through the windows and doors he failed to see anything of the infant of which the woman was known to be the mother Suspicions of some dreadful tragedy flashed through his mind and he began to search for the missing infant Attracted to the stove by a peculiar odor which was issuing from that direction he approached it The lid of the stove was open and a hot fire burning A hissing sound, as if flesh was burning, was heard, and when Mr Butts looked down into the fire he beheld the revolting spectacle of the child *literally roasting* It was already burned to a crisp and half consumed He drew it out of the fire hastily, and wrapped the blackened remains of the little creature in a piece of a half consumed old silk dress Assisted by Mr Butts, Chief Lappeus placed the roasted body of the infant in the wagon with the mother who had murdered it The woman was then conveyed to the city jail and the body of the infant taken to the undertakers Coroner Dyer was notified of the affair and will proceed to hold an inquest over the remains this morning at 10 o clock

Soon after being conveyed to the jail Mrs Farley grew more calm and collected On being asked what motives prompted her to commit such a fearful crime she replied I could not help it" clearly indicating that her reason is disordered She states that she first dashed the brains out of the helpless little creature, and then threw it into the stove Mrs Farley was sent to the Asylum several years ago from Wasco county She remained in that institution for over a year, but on leaving in the condition of her mind she was discharged Subsequently she married Hurl Farley, of this city There can be no doubt but what she is crazy as no sane mother would ever murder her infant under such shocking circumstances Without exception this is the most revolting instance of child murder we have ever yet been called upon to chronicle Fit[illegible] mother is now at the city jail but will be sent to the Asylum at once The tragical affair created the most intense excitement in that portion of the city

## UNITED STATES VS MORRISS HALL

The trial of Morris Hall, who is charged with counseling and procuring certain persons to vote illegally, began in the United States District Court yesterday afternoon The case is [illegible] effect to draw a court room full of spectators all of whom seemed to be watching the proceedings with great interest

The United States is represented by Hon A C Gibbs U S District Attorney assisted by H Thompson Esq

The defendants is conducted by Hon J N Dolph

THE JURY

A jury was selected with but little difficulty but four or five of those called [illegible] excused by the attorneys The panel of jurors is composed of Aaron Cash Joseph Bartlow [illegible] B Counsell A Hill R A Barrett D J Tuttle Robert Imbrie Marion Phillip [illegible] Hunsaker Winslow Bronson Walter Rush and Martin Gallihan

CASE OPENED

The jury having been sworn in due form of law the United States District Attorney opened the case by reading the indictment and making a statement thereon Mr Dolph for defendant admitted the facts stated by the District Attorney to be correct but objected to the introduction of evidence under the indictment on the ground that the information upon which the election list of Clackamas county was made up was not sworn to before the County Court of Multnomah county showing the formation of the election precincts The defendant's counsel also objected to the introduction of the records of the County Court of the boundaries of South Portland and Mount Pleasant were then read to the jury by Mr Thompson [illegible] for the [illegible]

The court then took a recess until [illegible] A M [illegible]

## BUSINESS NOTICES

[illegible] apply to W M [illegible] First and Second

Adam Zorn has taken the Chop House [illegible] for short Adam Zorn boy to [illegible] him

Recollect Our holiday sale [illegible] etc [illegible] Third street [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] collection

DAVID [illegible] at Hayden's will offer [illegible] very fine assortment of [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

# The Daily Oregonian.

TUESDAY MORNING DECEMBER 23, 1873.


## DECISION IN U S DISTRICT COURT BY JUDGE DEADY

U S District Court District of Oregon
United States vs Geo W Johnson No
Indictment for unlawfully attempting another to vote at an election

DEADY J

[illegible] that the defendant did offer to vote at the election in East Portland precinct in the county of Multnomah and State of Oregon for representative in the Congress of the U S the said election having been duly held and there knowingly did, give to one Robert Bruce he the said Robert Bruce not having a right to vote at said election, for the reason that the said Bruce had already voted at said election for representative in Congress at South Portland precinct in said County the sum of $2 as a gift bribe and reward to him the said Robert Bruce to vote at said election to hold it has Portland precinct aforesaid *it appearing that said Johnson did so offer said bribe contrary to the form of the statute etc*

The defendant demurs to the indictment because the facts stated do not constitute a crime the crime charged is not triable in the district of Oregon and [illegible] found and presented in said county [illegible]

The indictment is found in due form of the act of *May 31, 1870.*

So far as the allegation concerning the proposed bribe and the body of the indictment is concerned as to the manner of exercising the right of suffrage is concerned as to the precision of law not warranted by the statute and may be rejected as surplusage It having been already alleged that Bruce had no right to vote at the election in East Portland precinct, he had no right of suffrage to exercise on that occasion See U S vs Hendrie No

The indictment without this allegation is similar to the one in U S vs Hendrie No in which it was held that the crime of counseling a person to vote who was not qualified to do so, was sufficiently charged by alleging that the defendant knowingly offered a bribe to such person to vote

On the argument of the case it was further maintained that the indictment should contain an averment that a *legal* election was held in East Portland precinct, and it was also objected that it does not appear that the election was held in the district of Oregon or in the precinct aforesaid, or in any precinct

The allegation that an election was held *at* a precinct in the county of Multnomah and State of Oregon is equivalent to an allegation that such election was held *at* a precinct in the *precinctive* and *judicial district* of Oregon the law being, and of this the court takes notice, that said districts and State are coterminous

So with the allegation that the election in question was held *at* East Portland precinct The primary sense of *at* is nearness but it is also used in the sense of *in*—as *at* church *at* school *at* your house See Worcester

In all these instances and many more that might be mentioned the word *at* signifies the idea of being *in* or *near* the place named in ordinary circumstances

True, the act regulating elections directs them to be held [illegible] at the usual election precincts in the State See Laws I 870 p 80 and such is the language of the Constitution, Art. II., § 17, where it is declared that "All qualified voters shall vote at the election precincts in the county where they may reside," etc Yet it appearing that *at* is in many cases used in the sense of *in*, and this appearing to be one of them, because an election legal or otherwise, could not be held elsewhere than in an election precinct in the county of Multnomah, it being a presumption of law that such county is divided into election precincts, so that no part of it is not included in one of such precincts, the words are of no [illegible] equivalent

It is also objected that it is not alleged that East Portland precinct is or was an *election* precinct. If there were any other precincts known to the Constitution and laws of the State, there would be force in this objection; but this is not so In this State a precinct is a political division or part of a county established by the county court *for the purpose of holding elections therein and there is no authority to establish one for any other purpose* But a precinct being established the law uses it as a convenient division of territory where in to [illegible] the election of justices and constables and the exercise of their jurisdiction and authority. Presumably, then, the East Portland precinct is an election precinct and an election held there was held in an *election* precinct

As to the objection that it is not alleged that the election in question was a *legal* or *duly authorized* one, it is admitted that the better mode of stating a matter of this kind, is to aver that it was duly held had or done But in the facts stated do not warrant the allegation it avails nothing; and conversely, if the facts make a case of prima facie legal election, it is sufficient

The election is not express[illegible] described in the act defining the offence as a *legal* one It simply provides that if *at any election* for Representative in Congress any person shall commit the crimes therein defined he shall be punished, etc. Of course the words of the act are to be construed as only applicable to a legal election, and the same may be said of the same words in the indictment

No question is made but that the Governor had power to authorize and direct that a special election be held on the day named in the indictment in the several election precincts in the State. See Laws p 710 § 90 It is also admitted that the Court must take notice of the fact that the Executive of the State did call a special election for Representative in Congress from this district on that day so much being taken for granted and it being averred that the alleged illegal act or crime was committed with reference to an election held in said precinct on that day for Representative as aforesaid the most reasonable conclusion is that it is the duly authorized election which is meant and intended, and not an imaginary illegal one

Objection is also made that while it is averred that Bruce had already voted at said election for Representative, etc at South Portland precinct it is not directly averred that an election was held in such precinct of said day It is questionable whether it was necessary to do more in this indictment than to allege that Bruce had no right to vote at the election in East Portland precinct, without saying why. But if it was necessary to state the reason, I think it was sufficient to say because he had already voted on that day for Representative etc without mentioning the precinct or place

But an election was appointed to be held in the South Portland precinct that day for the same purpose as in the Last one, and it being averred that Bruce had voted there, it is implied and presumed that there was an election there

It must also be borne in mind that the allegations of the indictment relating to the holding of the election of October 13th, are all matters of inducement only and therefore need not be stated with the same particularity and certainty as the description of the offence itself.

Another objection pressed with some force and plausibility which is, that the description of the offence is so ambiguously stated as to uncertain whether it is intended to charge that the defendant gave Bruce $2 to induce him the said Bruce to vote illegally or to induce him, the said Bruce, to permit the defendant to vote whether legally or illegally does not appear

It must be admitted that the indictment is not as certain as it should be, in this respect

Take the sentence stripped of the qualifying clauses, which somewhat obscure it, and it reads thus The defendant did give to Robert Bruce the sum of $2 to vote at said election Taken literally, the allegation is susceptible of either meaning

But considered with reference to the law the case it is probable sufficiently certain that the bribe was given to induce Bruce to vote Bruce had no power to permit defendant to vote at that election unless he was one of the Judges thereof, and that is not alleged and therefore there could be no object in offering the bribe for that purpose But it being alleged that Bruce had no right to vote at said election, and it being in the power of the defendant to bribe him to do so notwithstanding, it is quite certain that the bribe was given to induce the unqualified voter to vote rather than to induce *him* to permit the defendant to vote, when it does not appear that the former had any power to accept or reject votes at such election

The demurrer is overruled

*Joseph N Dolph* and *P C Brannan* for defendant

*A G Hoe* District Attorney

U S vs same No

The indictment in this case is similar to the other except that it alleges that James Johnson to whom the bribe was given was of non age and therefore not qualified to vote and does not contain the [illegible] to prevent said Johnson from [illegible] the right of suffrage The demurrer was submitted on the same [illegible] as in No and is overruled for the same reasons

## FINANCE AND COMMERCE.

### Financial.

MONDAY EVENING Dec [illegible]

Gold in New York [illegible]
Portland [illegible]
Gold bars [illegible]
Exchange [illegible]
Wheat [illegible]

[illegible] funds is without doubt better than it was [illegible] because the very small [illegible] [illegible] now in progress and under the circumstances [illegible] with the fulfillment of the [illegible] still continue to close up on the regular [illegible] and the movement [illegible] outside paper appears to be [illegible] [illegible] [illegible]